IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.356 OF 2004

Competent Hotel Pvt. Ltd. ..Petitioner.

Vs.

Airports Authority of India
& Ors. ..Respondents.

Mr.Anil C. Singh i/b.Mr.Dhanesh R. Shah, Advocate for the Petitioner.

Ms.Lopa Munim i/b.Mr.Rajesh Kothari, Advocate for the Respondents.

CORAM : S.J. VAZIFDAR, J.
DATED : 4TH OCTOBER, 2004

P.C. :

This is a Petition for setting aside an award dated 10.10.2002.

2. Under the agreement entered into between the parties dated 29.1.1998 the licence was for a period of 10 years effective from 1.11.1997. Under clause 2(B) beyond one year period of the licence the amount of licence fees was to be escalated and compounded by 10% every year.

3. The learned arbitrators therefore correctly interpreted the clause and held that the escalation

would commence from 1.11.1998.

4. Mr.Singh submitted that, in fact, what is stated in the agreement is wrong and that pursuant to prior negotiations the escalation ought to commence only from 1.2.1999. This is contrary to the terms of the agreement itself. Moreover, the learned arbitrators held that they were unable to accept the Petitioner's contentions for the reason that the Petitioner had failed to produce the necessary documents. Even assuming that the necessary documents supported the Petitioner's case, it would make no difference, the Petitioners having failed to have the same produced.

5. In view of the above, it is not necessary for me to consider the objection regarding limitation raised by the learned counsel appearing on behalf of the Respondent.

6. In the circumstances, the Petition is dismissed.

Parties to act on an ordinary copy of this order duly authenticated by the Chamber Registrar/Court Stenographer.